BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

HOUSE HUMAN SERVICES COMMITTEE

Date: Monday, January 31, 2011

Place: Capitol

Time: 3:00 PM

Room: 152

BILLS and RESOLUTIONS HEARD:

HB 239 - Mandated benefits review by Insurance Commissioner for Legislature HJ 8 - Interim study on reducing childhood hunger in Montana

HB 185

EXECUTIVE ACTION TAKEN:

HB 30 HB 183 HB 43 HB 184

HB 35 HB 153

Comments:

DATE: 13/2011

NAME	PRESENT	ABSENT/ EXCUSED
REP. DAVID HOWARD, CHAIR		
REP. CARY SMITH, VICE CHAIR		·
REP. LIZ BANGERTER	\'	
REP. STEVE FITZPATRICK	·/	
REP. TIM FUREY	V	
REP. ELLIE BOLDMAN HILL		
REP. CHICK HUNTER		
REP. PAT INGRAHAM		
REP. DAN KENNEDY		
REP. MICHAEL MORE		
REP. PAT NOONAN		
REP. CAROLYN PEASE-LOPEZ	<i>i</i> /	
REP. JOE READ		
REP. DAN SKATTUM		
REP. MAX YATES		



January 31, 2011 Page 1 of 2

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 43** (first reading copy -- white) **do pass as amended**.

Signed:

Representative David Howard, Chair

And, that such amendments read:

1. Page 2, line 8.

Following: "elected official"

Insert: "who serves on the governing body of a local government"

2. Page 5, line 6.

Following: "5]"

Insert: "and subsection (4)(c) of this section"

3. Page 5, line 7.

- (d) An insurer is not liable for payment of costs related to an employee's medical use of marijuana or the consequences of the employee's medical use of marijuana as a benefit payable under this chapter."
- 4. Page 6, line 18.

Following: "injury"

Insert: ", subject to the limitations in 39-71-407 and 39-71-704"

5. Page 8, line 12.

Strike: "health insurer"

Insert: " group benefit plan"

6. Page 8, line 13.

Committee Vote:

Yes 12, No 3

Fiscal Note Required

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Following: "chapter 18,"

Strike: "or"

Insert: "an insurer covered by"

7. Page 8, line 15 through line 19.

Following: "workplace"

Strike: "in the course" on line 15 through "marijuana" on line 19

Insert: "the medical use of marijuana"

8. Page 8, line 24 through line 27.

Following: "49-1-102" on line 24

Strike: "based on" on line 24 through "employment" on line 27

- END -



January 31, 2011 Page 1 of 4

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 30** (first reading copy -- white) **do pass as amended**.

Signed: _

Representative David Howard, Chair

And, that such amendments read:

1. Title, page 1, line 6.

Strike: "33-22-101" **Insert:** "33-2-102"

2. Page 1, line 10.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Health care sharing ministry
-- definition -- requirements. (1) "Health care sharing ministry"
means a faith-based, nonprofit organization that:

- (a) is tax-exempt under the Internal Revenue Code;
- (b) limits its participants to those who are of a similar faith;
- (c) acts as a facilitator among participants who have financial or medical needs and matches those participants with other participants who have the ability to assist those with financial or medical needs in accordance with criteria established by the health care sharing ministry;
- (d) provides for the financial or medical needs of a participant through contributions from one participant to another; and
- (e) provides monetary amounts that participants may contribute with no assumption of risk or promise to pay among the participants and no assumption of risk or promise to pay by the health care sharing ministry to the participants;
 - (2) A health care sharing ministry shall:
- (a) provide a written monthly statement to all participants that lists the total dollar amount of qualified needs submitted

Committee Vote:

Yes 11, No 4

Fiscal Note Required ___

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to the health care sharing ministry, as well as the amount actually published or assigned to participants for their contribution; and

- (b) conduct an annual audit that is performed by an independent certified public accounting firm in accordance with generally accepted accounting principles and that is made available to the public upon request.
- (3) (a) A health care sharing ministry shall provide the written disclaimer provided for in subsection (3)(b) on all applications or distribute the disclaimer with any guideline materials distributed by or on behalf of the ministry.
- (b) The written disclaimer must read as follows: "Notice: The organization facilitating the sharing of medical expenses is not an insurance company and its guidelines and plan of operation are not an insurance policy. Participation in the organization or a subscription to any of its documents should never be considered to be insurance. Whether anyone chooses to assist you with your medical bills will be totally voluntary because no other participant will be compelled by law to contribute toward your medical bills. Regardless of whether you receive any payment for medical expenses or whether this organization continues to operate, you are always personally responsible for the payment of your own medical bills.""

Insert: "Section 2. Section 33-1-102, MCA, is amended to read:

- "33-1-102. Compliance required -- exceptions -- health service corporations -- health maintenance organizations -- governmental insurance programs -- service contracts. (1) A person may not transact a business of insurance in Montana or a business relative to a subject resident, located, or to be performed in Montana without complying with the applicable provisions of this code.
- (2) The provisions of this code do not apply with respect to:
- (a) domestic farm mutual insurers as identified in chapter4, except as stated in chapter 4;
- (b) domestic benevolent associations as identified in chapter 6, except as stated in chapter 6; and
- (c) fraternal benefit societies, except as stated in chapter 7; and
- (d) health care sharing ministries as provided for in [section 1].
- (3) This code applies to health service corporations as prescribed in 33-30-102. The existence of the corporations is governed by Title 35, chapter 2, and related sections of the Montana Code Annotated.
- (4) This code does not apply to health maintenance organizations or to managed care community networks, as defined in 53-6-702, to the extent that the existence and operations of those organizations are governed by chapter 31 or to the extent that the existence and operations of those networks are governed by Title 53, chapter 6, part 7. The department of public health

and human services is responsible to protect the interests of consumers by providing complaint, appeal, and grievance procedures relating to managed care community networks and health maintenance organizations under contract to provide services under Title 53, chapter 6.

- (5) This code does not apply to workers' compensation insurance programs provided for in Title 39, chapter 71, parts 21 and 23, and related sections.
- (6) The department of public health and human services may limit the amount, scope, and duration of services for programs established under Title 53 that are provided under contract by entities subject to this title. The department of public health and human services may establish more restrictive eligibility requirements and fewer services than may be required by this title.
- (7) Except as otherwise provided in Title 33, chapter 22, this code does not apply to the state employee group insurance program established in Title 2, chapter 18, part 8.
- (8) This code does not apply to insurance funded through the state self-insurance reserve fund provided for in 2-9-202.
- (9) (a) Except as otherwise provided in Title 33, chapter 22, this code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state in which the political subdivisions undertake to separately or jointly indemnify one another by way of a pooling, joint retention, deductible, or self-insurance plan.
- (b) Except as otherwise provided in Title 33, chapter 22, this code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state or any arrangement, plan, or program of a single political subdivision of this state in which the political subdivision provides to its officers, elected officials, or employees disability insurance or life insurance through a self-funded program.
- (10) (a) This code does not apply to the marketing of, sale of, offering for sale of, issuance of, making of, proposal to make, and administration of a service contract.
- (b) A "service contract" means a contract or agreement for a separately stated consideration for a specific duration to perform the repair, replacement, or maintenance of property or to indemnify for the repair, replacement, or maintenance of property if an operational or structural failure is due to a defect in materials or manufacturing or to normal wear and tear, with or without an additional provision for incidental payment or indemnity under limited circumstances, including but not limited to towing, rental, and emergency road service. A service contract may provide for the repair, replacement, or maintenance of property for damage resulting from power surges or accidental damage from handling. A service contract does not include motor club service as defined in 61-12-301.
- (11) (a) Subject to 33-18-201 and 33-18-242, this code does not apply to insurance for ambulance services sold by a county,

city, or town or to insurance sold by a third party if the county, city, or town is liable for the financial risk under the contract with the third party as provided in 7-34-103.

(b) If the financial risk for ambulance service insurance is with an entity other than the county, city, or town, the entity is subject to the provisions of this code.""

Insert: "NEW SECTION. Section 3. Codification instruction.
[Section 1] is intended to be codified as an integral part of Title 33, and the provisions of Title 33 apply to [section 1]."



January 31, 2011 Page 1 of 1

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 35** (first reading copy -- white) **do pass**.

Signed:

Representative David Howard, Chair

- END -

Committee Vote:
Yes 15, No 0
Fiscal Note Required ___

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HB0035001SC.hgh



Page 1 of 2

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 153** (first reading copy -- white) **do pass as amended**.

Signed:

Representative David Howard, Chair

And, that such amendments read:

1. Page 1, line 18.

Following: "paid"

Insert: "on behalf of the employee"

Following: "ministry"

Insert: "for the payment of required fees for operational costs

of the health care sharing ministry"

2. Page 1, line 19.

Strike: "made on behalf of an employee"

3. Page 1, line 20.

Strike: "members"

Insert: "the member"

4. Page 1, line 21.

Following: "paid"

Insert: "on behalf of an employee"

Following: "or"

Insert: "to"

5. Page 1, line 22.

Strike: "on behalf of an employee"

6. Page 9, line 7.

Following: "paid"

Insert: "on behalf of an employee"

Committee Vote:

Yes 10, No 5

Fiscal Note Required ___

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Following: the first "ministry"

Insert: "for the payment of required fees for operational costs

of the health care sharing ministry"

Following: "or"
Insert: "to"

Following: the second "ministry"

Insert: "for the payment of medical expenses of the member"

7. Page 9, line 8.

Strike: "on behalf of an employee"

8. Page 9, line 10.

Following: "ministry"

Insert: "for the payment of medical expenses of the person or the
 person's dependents"

9. Page 15, line 16.

Following: the first "ministry"

Insert: "for required fees for operational costs of the health

care sharing ministry"

Following: the second "ministry"

Insert: "for the payment of the medical expenses of the member"

10. Page 17, line 15.

Following: "paid"

Insert: "on behalf of an employee located in Montana"

Following: "15-30-2101,"

Insert: "for the payment of required fees for operational costs

of the health care sharing ministry"

11. Page 17, line 16.

Strike: "on" through "Montana"

Insert: "for the payment of medical expenses of the member"

12. Page 17, line 17.

Strike: "any"
Insert: "a"



January 31, 2011 Page 1 of 2

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 183** (first reading copy -- white) **do pass as amended**.

Signed: \

Representative David Howard, Chair

And, that such amendments read:

1. Page 4, line 29 through line 30.

Following: "means"

Strike: "an individual"

Insert: "a Montana resident"

Following: "taxpayer"
Strike: "directly"

Following: "or"

Strike: "whose compensation is"

Insert: "a Montana resident who is an independent contractor and
 who provides services to the taxpayer, the remuneration for
 which the taxpayer"

2. Page 5, line 10.

Following: "section."

Insert: "This section does not prevent an employer from claiming
 an exclusion, deduction, or credit for qualified health
 insurance expenses that exceed the amount for which the
 credit is allowed under this section."

3. Page 5.

Following: line 16

Insert: "(8) "Montana resident", for the purpose of determining
 eligibility for the tax credit provided in this section,

means a resident as defined in 15-30-2101."

Renumber: subsequent subsections

Committee Vote:

Yes 10, No 5

Fiscal Note Required

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4. Page 10, line 22.

Strike: "the deduction has not been included in"
Insert: "premiums were not deducted in calculating"

- END -



January 31, 2011 Page 1 of 1

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 184** (first reading copy -- white) **do pass as amended**.

Signed:

Representative David Howard, Chair

And, that such amendments read:

1. Page 1, line 20.

Strike: "equal to 7% of"

Insert: "based on"

2. Page 1, line 21.
Following: "members"

Insert: "according to the following schedule:

(i) 2.33% in tax year 2011;

(ii) 4.66% in tax year 2012; and
(iii) 7% in subsequent tax years"

- END -

Committee Vote:
Yes 8, No 7
Fiscal Note Required ___

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January 31, 2011
Page 1 of 2

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 185** (first reading copy -- white) **do pass as amended**.

Signed:

Representative David Howard, Chair

And, that such amendments read:

1. Title, line 5.
Following: "DRUGS;"

Insert: "REQUIRING RULEMAKING BY THE DEPARTMENT OF PUBLIC HEALTH

AND HUMAN SERVICES;"

2. Page 16, line 7.
Following: "(5)"
Insert: "(a)"

3. Page 16

Following: line 8

Insert: "(b) Subsection (4)(gg) does not apply to synthetic
 cannabinoids approved by the U.S. food and drug
 administration and obtained by a lawful prescription through
 a licensed pharmacy. The department of public health and
 human services shall adopt a rule listing the approved
 cannabinoids and shall update the rule as necessary to keep
 the list current."

Committee Vote: Yes 15, No 0

Fiscal Note Required __

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DATE: 131 2011 BILL NO 184 MOTION:	MOTI	ON NO	
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REP. CARY SMITH, VICE CHAIR	V		
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REP. LIZ BANGERTER		V	
REP. STEVE FITZPATRICK			
REP. TIM FUREY			
REP. ELLIE BOLDMAN HILL			
REP. CHUCK HUNTER		V	
REP. PAT INGRAHAM			
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REP. MICHAEL MORE			
REP. CAROLYN PEASE-LOPEZ			
REP. JOE READ			
REP. DAN SKATTUM	<i>i</i> .		
REP. MAX YATES			
REP. DAVID HOWARD, CHAIR	$\sqrt{}$		

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REP. MICHAEL MORE	V		
REP. CAROLYN PEASE-LOPEZ	V		
REP. JOE READ	V		
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REP. MAX YATES			
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REP. CARY SMITH, VICE CHAIR	V		
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REP. PAT INGRAHAM	V		
REP. DAN KENNEDY	V		
REP. MICHAEL MORE	V		
REP. CAROLYN PEASE-LOPEZ	V		
REP. JOE READ			
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DATE: 13112011 BILL NO HB. MOTION: do pay a amero		on no. <u>2</u>	
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REP. LIZ BANGERTER	/		
REP. STEVE FITZPATRICK	V		
REP. TIM FUREY		/	
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REP. PAT INGRAHAM	V		
REP. DAN KENNEDY	V		
REP. MICHAEL MORE	V		
REP. CAROLYN PEASE-LOPEZ			
REP. JOE READ	V		
REP. DAN SKATTUM	V		
REP. MAX YATES	V		

DATE: 13/2011 BILL NO [413] MOTION:	<u>35</u> мотю	ON NO	
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REP. CARY SMITH, VICE CHAIR			
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REP. CAROLYN PEASE-LOPEZ	V		
REP. JOE READ	\checkmark		
REP. DAN SKATTUM			
REP. MAX YATES	V,		

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REP. JOE READ	V		
REP. DAN SKATTUM	V		
REP. MAX YATES	V		
REP. DAVID HOWARD, CHAIR	V		·

DATE: 13/12011 BILL NO HB	4	ON NO. 2	
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REP. LIZ BANGERTER			
REP. STEVE FITZPATRICK			
REP. TIM FUREY			
REP. ELLIE BOLDMAN HILL		V	
REP. CHUCK HUNTER		V	
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REP. MICHAEL MORE			
REP. CAROLYN PEASE-LOPEZ			
REP. JOE READ	V		
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DATE: 1/3/12011 BILL NO HB 1	<u>83</u> мотю	ON NO	
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NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
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REP. PAT INGRAHAM	V		
REP. DAN KENNEDY	V		
REP. MICHAEL MORE	V		
REP. CAROLYN PEASE-LOPEZ	V		
REP. JOE READ	/		
REP. DAN SKATTUM	V		
REP. MAX YATES			

DATE: 1/3/12011 BILL NO HB MOTION: do pass as as amend		ION NO	2
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CARY SMITH, VICE CHAIR			
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REP. LIZ BANGERTER	1		
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REP. PAT INGRAHAM	V		
REP. DAN KENNEDY	V		
REP. MICHAEL MORE	V		·
REP. CAROLYN PEASE-LOPEZ		V	
REP. JOE READ	V		
REP. DAN SKATTUM	V		
REP. MAX YATES			

AUTHORIZED COMMITTEE PROXY

I request to be excused from	the/	teal	1+4	of Hymon So.	1019	<u> </u>
Committee because of other			desire 1	to leave my proxy vote with:		
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Montana House of Representatives Visitors Register

HUMAN SERVICES COMMITTEE

DATE: 131 201		BILL NO:	1.HB 239	
SPONSOR(S):		,		
BRIEF DESCRIPTION:				
PLEASE PRINT	PLEASE PRINT	PLEASE PRINT	PLEASE PRINT	

Name	Representing	Support	Oppose	Informt'l
Fel Great En	GILLINGS CHAMGER	X		418
Susance Witte	Allegionce	X	7	18 73
Kiley Johnson	NFIB	X	·	HB23
AmeGRAOUSEZ	BILLY'S CLAR	×		M323
Tanya Asse	Billings ame	X		4023
FRANKESTO	MT Chember	×		239
FRANKOTO	BC BSM7	K		339